

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

PATRICK PRIESTLEY, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-16-1234-D
	)	
JOHN J. PRIESTLEY, JR.,	)	
an individual,	)	
	)	
Defendant.	)	

**ORDER OF REMAND**

Before the Court is Plaintiff Patrick Priestley's Objection to Notice of Removal and Motion to Dismiss with Prejudice [Doc. No. 7]. Because Defendant has filed no response within the period prescribed by LCvR7.1(g), the Court deems the allegations in Plaintiff's motion confessed, and hereby grants the motion. *See id.* ("Any motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed."); *Calvey v. Obama*, 792 F.Supp.2d 1262, 1273 (W.D. Okla. 2011) ("[A] respondent must address any and all issues raised by a moving party's papers, or else face the very real possibility that it will be deemed to have abandoned its right to do so.") (quoting *United States v. Nacchio*, 555 F.3d 1234, 1251 (10th Cir. 2009)).

Moreover, the Court finds the arguments in Plaintiff's motion and brief regarding the deficiencies of Defendant's Notice of Removal [Doc. No. 1] to be

well taken, and finds the notice fails to present a federal question. *See* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). Accordingly, Plaintiff’s Objection to Notice of Removal and Motion to Dismiss with Prejudice [Doc. No. 7] is **GRANTED** as set forth herein. The present action is hereby **REMANDED** to the District Court of Cleveland County, Oklahoma, Case No. CJ-2013-1044.

**IT IS SO ORDERED** this 20<sup>th</sup> day of December, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE